

Appl. No.: 10/071,487  
Filed: February 7, 2002  
Page 7

### REMARKS/ARGUMENTS

In the Office Action, Claims 1-14 and 16 were rejected. In particular, Claims 1-14 and 16 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as his invention. Claims 10-14 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,332,064 to Foust ("Foust"). Claims 10 and 11 were rejected under 35 U.S.C. §103(a) as obvious over Foust in view of U.S. Patent No. 6,434,804 to Cornet et al. ("Cornet").

#### 35 U.S.C. § 112

Independent Claims 1, 7, 10, and 12 were rejected under 35 U.S.C. § 112, second paragraph, for reciting "[a]n assembly for construction into a casket bed frame for supporting a body, the casket bed frame assembly" in their preambles in contrast to the preambles of dependent Claims 2-6, 8, 9, 11, 13, and 14, which recite "[a] casket bed frame assembly." As requested, the preambles of Claims 1, 7, 10, and 12 have been amended to recite "[a] casket bed frame assembly." Accordingly, the rejection of Claims 1-10 and 12-14 under 35 U.S.C. § 112, second paragraph, has been overcome.

Dependent Claim 11 was rejected under 35 U.S.C. § 112, second paragraph, for "not further limit[ing] Claim 10." Applicant respectfully points out, however, that Claim 10 describes "elongate flexible members" and Claim 11 describes "elongate *metal* strips" (emphasis added). Accordingly, the rejection of Claim 11 under 35 U.S.C. §112, second paragraph has been overcome.

Dependent Claim 16 was also rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Dependent Claim 16 has been amended to recite "second rails" instead of "first rails" to correct a typographical error. Therefore, the rejection of Claim 16 under 35 U.S.C. §112, second paragraph, has been overcome.

Appl. No.: 10/071,487  
Filed: February 7, 2002  
Page 8

### 35 U.S.C. § 102

Claims 10-14 were rejected under 35 U.S.C. § 102(b) as being anticipated by Foust. Foust discloses a body support frame 30 for a casket 10 that includes a transverse head frame member 31, two longitudinal side frame members 32 and 33, and a transverse foot frame member 34. Foust also discloses a plurality of "spring wires 37" bent into a side-to-side, sinuous pattern and extending between the head frame and the foot frame members. See Foust at col. 2, lines 22 and 37, and at Fig. 1.

In contrast, Applicant's previously presented Claim 10 recited "a plurality of elongate flexible members, each of the flexible members having a plurality of corrugations." Generally, corrugations are made up of alternating ridges and grooves. In contrast, the spring wires of Foust appear to have cylindrical cross-sections and a side-to-side, zig-zag configuration.

In conclusion, Foust only recites and illustrates spring wires and does not teach or suggest elongate members or strips with corrugations. As a result, Claims 10-14 are not anticipated by Foust. However, to clarify and make explicit what was already implicit in the claim language, Claims 10 and 12 now recite elongate flexible members or strips including alternating ridges and grooves defined therein. The rejection of Claims 10-14 under 35 U.S.C. §102(b) has therefore been overcome.

### 35 U.S.C. § 103

Independent Claim 10 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Foust in view of Cornet. As described above, Foust teaches the use of spring wires. Cornet teaches the use of bed straps with springs at one end. As a result Foust, Cornet, and the remaining cited references, alone or in combination, do not teach or suggest a casket frame assembly including interlocking rails for supporting a plurality of elongate flexible members each having a plurality of corrugations. Accordingly, the rejection of Claim 10 under 35 U.S.C. §103(a) has been overcome. For the same reasons, Claim 11, which depends from, and further patentably distinguishes, Claim 10, should be allowable.

### Conclusion

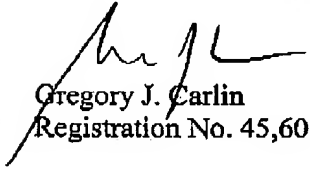
In view of the remarks and amendments presented above, it is respectfully submitted that Claims 1-14 and 16 of the present application are in condition for allowance. It is respectfully

Appl. No.: 10/071,487  
Filed: February 7, 2002  
Page 9

requested that a Notice of Allowance be issued in due course. The Examiner is requested to contact Applicants' undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

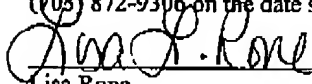
Respectfully submitted,

  
Gregory J. Carlin  
Registration No. 45,607

Customer No. 00826  
**ALSTON & BIRD LLP**  
Bank of America Plaza  
101 South Tryon Street, Suite 4000  
Charlotte, NC 28280-4000  
Tel Charlotte Office (704) 444-1000  
Fax Charlotte Office (704) 444-1111

**CERTIFICATION OF FACSIMILE TRANSMISSION**

I hereby certify that this paper is being facsimile transmitted to the US Patent and Trademark Office at Fax No. (703) 872-9306 on the date shown below.

  
\_\_\_\_\_  
Lisa Rone

6/30/04  
\_\_\_\_\_  
Date

CLT01/4647510v3